

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS

*In re West, et al.*

Application No. 09/935,168

Filed: August 21, 2001

Appeal No. 2008-2053

**ORDER GRANTING REQUEST TO RESET HEARING DATE**

An oral hearing before a merits panel of the Board of Patent Appeals and Interferences has been set for May 20, 2008. The notice setting the hearing was mailed to Applicants on April 4, 2008. The date Applicants received the notice is not apparent from the record. On April 22, 2008, a facsimile letter styled "Request for Rescheduling of Hearing" was filed, Applicants requested that the Oral Hearing be rescheduled. The request has been granted.

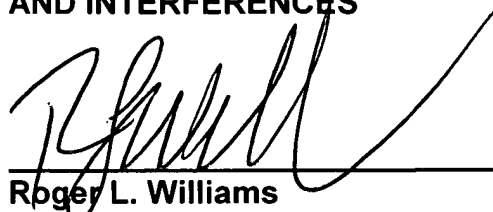
According to counsel:

[He] respectfully requests that the hearing date be postponed to a later date, due to a conflicting hearing scheduled in the U.S. District Court for the District of Delaware. A pre-trial hearing is scheduled for May 5, 2008, and the trial is to commence on June 2, 2008. The press of this litigation precludes appellant's counsel from properly preparing for the oral hearing.

For the reasons given above, it is:

Ordered that the request to reschedule oral hearing to a date after July 1, 2008 is granted. No further request for postponement will be permitted. Any further request for postponement will be treated as a waiver of the Request for Oral Hearing.

**BOARD OF PATENT APPEALS  
AND INTERFERENCES**

A handwritten signature in black ink, appearing to read 'R. Williams', is written over a horizontal line.

**Roger L. Williams  
Administrative Officer  
(571) 272-9797**

**FAX DATE : Wednesday 14, 2008  
FAX No.: 713-229-1522**

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